



**Texas Department of Insurance, Division of Workers' Compensation**  
Medical Fee Dispute Resolution, MS-48  
7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1609

## MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

### PART I: GENERAL INFORMATION

Requestor's Name and Address:  J. THOMAS DILGER JR., M.D. 6718 MONTAY BAY DRIVE SPRING, TX 77389	MFDR Tracking #:	M4-09-5798-01
Respondent Name and Box #:  TRANSPORTATION INSURANCE CO BOX# 47		

### PART II: REQUESTOR'S POSITION SUMMARY AND PRINCIPLE DOCUMENTATION

The Requestor did not submit a position summary.

Principle Documentation:

1. DWC 60 package
2. Medical Bill
3. EOB(s) – Not submitted
4. Medical Reports
5. Total Amount Sought \$475.00

### PART III: RESPONDENT'S POSITION SUMMARY AND PRINCIPLE DOCUMENTATION

Respondent's Position Summary states in part... "Pursuant to Rule 133.307(c)(1)(A), a request for Medical Dispute Resolution (that does not involve issues identified in subparagraph (B) of this paragraph shall be filed no later than one year after the date(s) of service in dispute. 133.307(c)(1) The Division shall deem a request to be filed on the dated the MDR section receives the request. Per the DWC 60, the date of receipt is January 28, 2009. As such, Date of Service for 02/27/07 is not to be considered by the Division as the request for MDR is untimely. Carrier did not receive the original bill or reconsideration request in this matter. Carrier denies that the fax number provided is a valid number for the insurance carrier. The Houston office closed in 2005...."

Principle Documentation:

1. DWC 60 package

**PART IV: SUMMARY OF FINDINGS**

Date(s) of Service	Denial Code(s)	Disputed Service	Amount in Dispute	Amount Due
2/27/07	NO EOB'S SUBMITTED	99456-NM, 96118-NM	\$475.00	\$0.00
Total Due:				\$0.00

**PART V: REVIEW OF SUMMARY, METHODOLOGY AND EXPLANATION**

1. Medical Fee Dispute Resolution (MFDR) received the DWC-60 on 1/28/09. The date of service in dispute is 2/27/07.
2. 28 TAC Section 133.307(c)(1)(A) states in part, "A request for medical fee dispute resolution that does not involve issues identified in subparagraph (B) of this paragraph shall be filed no later than one year after the date(s) of service in dispute."
3. This dispute was not submitted timely.
4. The Division concludes that this dispute was not filed in the form and manner prescribed under Rule 133.307 section (c)(1)(A). As a result, the amount ordered is \$0.00.

**PART VI: GENERAL PAYMENT POLICIES/REFERENCES**

Texas Labor Code Sec. §413.011(a-d), §413.031 and §413.0311  
28 Texas Administrative Code Sec. §133.307

**PART VII: DIVISION DECISION**

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code, Sec. §413.031, the Division has determined that the Requestor is entitled to \$0.00 reimbursement.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Medical Fee Dispute Resolution Officer

12/7/09

\_\_\_\_\_  
Date

**PART VIII: : YOUR RIGHT TO REQUEST AN APPEAL**

Either party to this medical fee dispute has a right to request an appeal. A request for hearing must be in writing and it must be received by the DWC Chief Clerk of Proceedings within **20** (twenty) days of your receipt of this decision. A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Department of Insurance, Division of Workers Compensation, P.O. Box 17787, Austin, Texas, 78744. **Please include a copy of the Medical Fee Dispute Resolution Findings and Decision** together with other required information specified in Division Rule 148.3(c).

Under Texas Labor Code Section 413.0311, your appeal will be handled by a Division hearing under Title 28 Texas Administrative Code Chapter 142 Rules if the total amount sought does not exceed \$2,000. If the total amount sought exceeds \$2,000, a hearing will be conducted by the State Office of Administrative Hearings under Texas Labor Code Section 413.031.

**Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.**